

(51)
10-16-02
FILED
HARRISBURG, PA
OCT 15 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JACK MARRONE, KAREN MARRONE, :
both individually and in their capacity as :
parents and guardians for :
VIDA MARRONE, a minor, and :
MATTHEW MARRONE :

Plaintiffs :

v. :

ALLSTATE INSURANCE COMPANY, :
LINDA M. EDLEMAN, FRED SCHAFER, :
MT. GRETNAL REALTY, and :
HOUSEMASTER :

Defendants :

CIVIL ACTION - LAW

CASE NO.: 1:CV-01-0773

JURY TRIAL DEMANDED

(JUDGE KANE)✓

**DEFENDANT HOUSEMASTER'S MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF PAGE LIMITATION**

Defendant HouseMaster, by its counsel, respectfully requests that the Court allow it to file its Brief in Support of Motion for Summary Judgment on Counts VIII through XI of the Amended Complaint in excess of the Court's fifteen (15) page limitation and, in support thereof, sets forth the following:

1. Plaintiffs Jack Marrone, Karen Marrone, Matthew Marrone and Vida Marrone allege in this action that they purchased a home which became infested with toxic mold due to undisclosed water problems with the subject property.
2. Pursuant to this Court's Scheduling Order, dispositive motions in this matter are due to this Court on or before October 18, 2002.

3. Pursuant to Local Rule 7.8 for the United States District Court for the Middle District of Pennsylvania, all pre-trial briefs filed in support of pre-trial motions may not exceed either fifteen (15) pages in length or 4,000 words.

4. This matter involves a detailed factual background along with numerous issues associated with Defendants' Motion for Summary Judgment on all four Counts of Plaintiffs' Amended Complaint alleging negligence, breach of contract, misrepresentation and violation of the Unfair Trade Practices and Consumer Protection Law, 73 P.S. 201, et seq.

5. Pursuant to the Local Rules for the United States District Court for the Middle District of Pennsylvania, typeface on all documents must now be 14 point or larger, allowing for only 18 double-spaced lines per page.

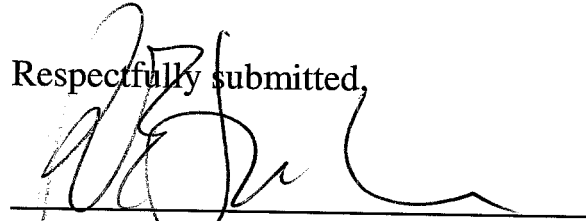
6. In order to allow for reasonable presentation of argument addressing each of the issues raised by HouseMaster through its Motion, HouseMaster respectfully requests that the Court permit it to file its Brief in Support of its Motion for Summary Judgment in excess of the Court's fifteen (15) page/4,000 word limitation, but not to exceed thirty-five (35) pages in length.

7. HouseMaster has sought concurrence of Plaintiffs' counsel, Gianni Floro. Mr. Floro concurs in the motion.

8. HouseMaster has sought concurrence of Co-Defendants' counsel. Defendants' counsel all concur in the motion.

WHEREFORE, Defendant HouseMaster respectfully requests that the Court allow it to file its Brief in Support of its Motion for Summary Judgment in excess of the fifteen (15) page/4,000 word limit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul E. Scanlan', is written over a horizontal line.

Paul E. Scanlan, Esquire

Attorney ID No. 75733

Jennifer L. Murphy, Esquire

Attorney ID No. 76432

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Attorneys for Defendant HouseMaster

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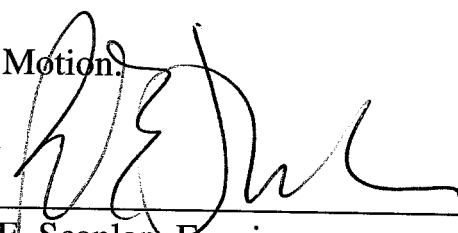
CASE NO.: 1:CV-01-0773

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CERTIFICATE OF CONCURRENCE

I, Paul E. Scanlan, Esquire, counsel for Defendant HouseMaster, certify that on October 14, 2002, I contacted counsel for Plaintiffs and Co-Defendants regarding HouseMaster's Motion for Leave of Court to File Brief in Excess of Page Limitation. All counsel concur in the Motion.



Paul E. Scanlan, Esquire
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CERTIFICATE OF SERVICE

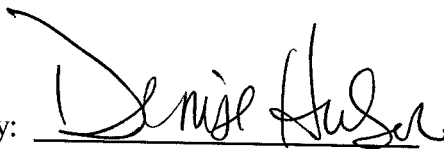
AND NOW, this 15th day of October, 2002, I, Denise L. Huber, an employee of Duane Morris LLP, hereby certify that I have served a copy of the Defendant HouseMaster's Motion for Leave to File Brief in Excess of Page Limitation on the following by depositing a true and correct copy of the same in the U.S. Mail at Harrisburg, Pennsylvania, postage prepaid, addressed to:

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By: 
Denise L. Huber